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Attorneys for Defendant ELAP Services, LLC

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

IHC HEALTH SERVICES, INC., a non-profit
Utah corporation,

Plaintiff,

vs.

ELAP SERVICES, LLC, a limited liability
company,

Defendant.

**NOTICE TO SUBMIT FOR DECISION
and
REQUEST FOR ORAL ARGUMENT**

Case No. 2:17-cv-01245-JNP-EJF

Judge Jill N. Parrish

Magistrate Judge Evelyn J. Furse

Pursuant to DUCivR 7-3, Defendant ELAP Services, LLC (“ELAP”) by and through counsel, hereby file this Request to Submit for Decision concerning Defendant ELAP Services, LLC Rule 12(b)(6) Motion to Dismiss (Dkt. No. 7). The following documents, together with their supporting exhibits, have been filed:

1. Defendant's Rule 12(b)(6) Motion to Dismiss, filed on February 12, 2018;
2. Opposition to Motion to Dismiss, filed on April 27, 2018; and
3. Defendant's Reply in Support of Motion to Dismiss (Rule 12(b)(6) & Rule 9(b)), filed May 30, 2018.

The motion which includes arguments under Rule 9(b) is now fully briefed and ready for oral argument and a decision. Pursuant to DUCivR 7-1(f), ELAP respectfully requests that oral argument be heard on this matter. Given the complexity of issues potentially at stake; the breadth of discovery were the case to go forward; the differing narratives provided by the parties under Rule 9(b) under IHC's somewhat novel litigation theory; the inherent seriousness of fraud allegations; and the legal issues and rights at stake in this litigation; ELAP submits that there exists good cause to allow oral argument.

Based on all of the foregoing, Defendant ELAP requests the above motion be submitted for decision and set for oral argument as soon as possible given that the discovery period in this matter has now commenced and direction from the Court is necessary.

DATED this 22nd day of August, 2018.

RAY QUINNEY & NEBEKER P.C.

/s/ John W. Mackay
John W. Mackay
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2018, the foregoing **NOTICE TO SUBMIT FOR DECISION and REQUEST FOR ORAL ARGUMENT** was filed with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

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